IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Writ Petition No.7764/07
Gokul Chand Vs. Ganesh Mail & Anr.

25.09.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri Vishwajeet Mantri for petitioner.

The petitioner has challenged the order dated 18.8.2007, whereby the application of the plaintiff respondent no.1 for re-summoning PW-1 Ganesh Mali only for the limited purpose of exhibiting the documents which could not be exhibited due to mistake, has been allowed.

The learned counsel for the petitioner has argued that in the affidavit of respondent no.1 Ganesh Mali, no reference was made to the aforesaid document inasmuch as a witness cannot be re-examined only with a view to fill up the

lacunaes.

On perusal of the impugned judgment, I find that the learned trial court has while allowing the application relied on the judgment of Jodhpur Gums Chemicals Pvt Ltd. Vs. P.N.B., RLR 1998 (2) Raj. 299 and has held that the permission for re-examination would be confined to only exhibiting the documents which could not be exhibited. The impugned order in my view has neither occasioned any miscarriage of justice, nor has violated any mandatory provision of law.

I do not deem it therefore appropriate to interfere in the matter in exercise of power of writ of certiorari.

The writ petition is accordingly dismissed.

(Mohammad Rafiq),J.

Rs/-